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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,045	10/29/1999	DAVID CARROLL CROMWELL	7000-045	6702

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EXAMINER	
NGUYEN, DUSTIN	
ART UNIT	**PAPER NUMBER**
2157	

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/430,045	Applicant(s) CROMWELL ET AL.	
	Examiner Dustin Nguyen	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 October 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-69* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-69* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Claims 1 – 69 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 4-9, 12, 13, 16-19, 28, 29, 32, 36, 38-42, 52, 54, 55, 57-60, 62-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser et al. (US Patent No 5793980), in view of Metz et al. (US Patent No 5978855).

4. As per claim 1, Glaser teaches a sequence processor for providing access to a sequence of audio segments accessible by an audio server, the sequence processor comprising computer-executable instructions embodied in a computer-readable medium for performing steps comprising:

receiving a request for playing a sequence of stored audio data segments (e.g. col 16, line 40-60);

locating, in an audio server database, a provisioned sequence of audio segments (e.g. col 16, line 61-col 17, line 3) based on the audio identifier (e.g. col 8, line 28-40); and

playing the sequence of audio segments (e.g. col 25, line 64-col 26, line 7).

Glaser does not disclose the sequence being identified by an audio identifier. Metz discloses this limitation (i.e. program identifier) (e.g. col 15, line 44-48).

At the time the invention was made, it would have been obvious to a person skill in the art to combine Glaser and Metz because it would allow data to maintain its integrity in a communication network.

5. As per claim 4, Glaser discloses playing the sequence includes transmitting the audio data packets to a gateway over a packet-based network, wherein the gateway plays the sequence (i.e. proximate server) (e.g. Figure 2A, item 260).

6. As per claim 5, Glaser discloses receiving a request includes receiving a request for playing a sequence of audio data segments (e.g. col 16, line 40-60) and at least one of the segments is a variable (e.g. col 17, line 36-42).

7. As per claim 6, Glaser discloses playing the sequence of audio segments includes resolving the variable into an audio data segment (e.g. col 17, line 43-52).

8. As per claim 7, Glaser discloses a set processor for providing access to elements of a set of stored audio data, the set processor comprising computer-executable instructions embodied in a computer-readable medium for performing steps, comprising:

receiving a request to play an audio segment (e.g. col 16, line 40-60), and a selector for specifying a member of the set corresponding to the audio segments (e.g. Figure 8A, item 840);

selecting the audio segment to be played based on the audio identifier and the selector (e.g. . col 10, line 13-48).

Glaser does not disclose the audio identifier for identifying a set containing the audio segment. Metz discloses the above limitation (i.e. program identifier) (e.g. col 15, line 44-48)

At the time the invention was made, it would have been obvious to a person skill in the art to combine Glaser and Metz because it would allow data to maintain its integrity in a communication network.

9. As per claim 8, Glaser discloses the set contains a plurality of levels of audio data qualifiers (i.e. high quality audio data) (e.g. col 19, line 48-58) and the selector specifies a path through the levels that leads to the member corresponding to the audio segment to be played (e.g. col 20, line 25-35).

10. As per claim 9, Glaser discloses the set contains a plurality of levels of audio data qualifiers and the selector specifies a partial path through the levels and selecting the audio data segment to be played includes traversing the levels in the order specified by the selector (e.g. col

19, line 62-col 20, line 1) and supplying default paths through levels not specified by the selector (e.g. Figure 4A, items 400, 401, 403-405, 407 and 410).

11. As per claim 12, it is rejected for similar reasons stated in claims 1, 5 and 6. Furthermore, Glaser discloses the steps of:

determining whether the variable is an embedded variable (e.g. col 8, line 24-40);

playing the sequence including the variable (e.g. col 23, line 43-60)

12. As per claim 13, Glaser discloses resolving the variable into at least one audio data segment based on at least one of type, subtype, and value of the variable (i.e. four-byte time field) (e.g. col 10, line 48-51).

13. As per claim 16, it is rejected for similar reasons as stated in claims 5, 6, and 7.

14. As per claim 17, it is rejected for similar reason as stated in claim 7.

15. As per claim 18, it is rejected for similar reasons as stated in claims 5, 6 and 7.

16. As per claim 19, it is rejected for similar reason as stated in claim 7.

17. As per claim 28, Glaser discloses an audio server comprising computer-executable instructions embodied in a computer-readable medium for performing steps comprising:

receiving a request to monitor digits entered by a user, the request containing a first parameter specifying an expected number of digits, a second parameter specifying a terminating digit, and a third parameter specifying a last digit timer value (e.g. Figure 14, items 1400 – 1410);

monitoring digits received from a user (e.g. col 3, line 1-6);

determining whether the expected number of digits have been received from a user based on the first parameter (i.e. length) (e.g. col 8, line 32-36);

in response to determining that the expected number of digits have been received (e.g. col 10, line 35-47);

determining whether the terminating digit has been received from a user (e.g. Figure 6B, item 660);

in response to determining that the terminating digit has been received, reading the timer and determining whether a first relationship exists between the timer and last digit timer value (e.g. col 10, line 48-51); and

in response to determining the first relationship exists, identifying the terminating digit received from a user as a terminating digit (e.g. col 9, line 58-67).

Glaser does not disclose the step of starting a timer.

Metz discloses this limitation (e.g. col 44, line 23-32).

At the time the invention was made, it would have been obvious to a person skill in the art to combine Glaser and Metz because synchronization would be needed to keep the data integrity in a communication network.

18. As per claim 29, Glaser discloses identifying the terminating digit received from a user as part of a new key sequence (e.g. Figure 6A, items 625, 635, and 640)

19. As per claim 32, it is rejected for similar reason as stated in claim 28.

20. As per claim 36, it is rejected for similar reasons as stated in claim 1.

21. As per claim 38, it is rejected for similar reasons as stated in claim 4.

22. As per claim 39, it is rejected for similar reasons as stated in claims 5 and 6.

23. As per claim 40, it is rejected for similar reasons as stated in claim 7.

24. As per claims 41 and 42, they are rejected for similar reasons as stated in claims 8 and 9 respectively.

25. As per claim 52, it is rejected for similar reasons as stated in claim 1.

26. As per claim 54, it is rejected for similar reasons as stated in claim 4.

27. As per claim 55, it is rejected for similar reasons as stated in claim 7.

28. As per claims 57 and 58, they are rejected for similar reasons as stated in claims 8 and 9.

29. As per claim 59, it is rejected for similar reasons as stated in claim 7.

30. As per claim 60, it is rejected for similar reasons as stated in claim 1. Furthermore, Glaser teaches a processor programmed to extract a sequence of audio segments from the audio server database using the audio identifier in the request (e.g. col 6, line 22-34). Glaser does not show an interface card for receiving the request. Metz shows this limitation of the claim (e.g. Figure 2, item 29). At the time the invention was made, it would have been obvious to a person skill in the art to combine Glaser and Metz since it would allow devices to properly communicate with each other to eliminate error in data network.

31. As per claim 62, it is rejected for similar reasons as stated in claims 1 and 7.

32. As per claim 63, it is rejected for similar reasons as stated in claims 12 and 13.

33. As per claim 64, it is rejected for similar reasons as stated in claims 1 and 7.

34. As per claims 65 and 66, they are rejected for similar reasons as stated in claims 5-7.

35. As per claims 67 and 69, they are rejected for similar reasons as stated in claims 1, 7, 12 and 13. Furthermore, Glaser discloses the event symbol including a play announcement symbol for instructing the audio server to play an announcement (e.g. Abstract).

36. Claims 2, 3, 10, 11, 30, 37, 53, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser et al. (US Patent No 5793980), in view of Metz et al. (US Patent No 5978855), and further in view of Barany et al. (US Patent No 6434140).

37. As per claim 2, Glaser and Metz do not disclose the limitation of the claim. Barany shows a request includes receiving a request from a media gateway control protocol (MGCP) call agent (e.g. Figure 4, items 411 and 414). At the time the invention was made, it would have been obvious to a person skill in the art to combine Glaser, Metz and Barany because it would allow other types of traffic to communicate between server and client to fully utilize bandwidth and eliminate other limitations.

38. As per claim 3, Glaser and Metz do not disclose the limitation of the claim. Barany discloses a request includes receiving an MGCP NotifyRequest command from the call agent (e.g. col 4, line 44-45 and line 62-64). At the time the invention was made, it would have been obvious to a person skill in the art to combine Glaser, Metz and Barany because it would allow other types of traffic to communicate between server and client to fully utilize bandwidth and eliminate other limitations.

39. As per claims 10 and 11, they are rejected for similar reasons as stated in claims 2 and 3 respectively.

40. As per claim 30, it is rejected for similar reason as stated in claim 3.

41. As per claim 37, it is rejected for similar reason as stated in claim 2.

42. As per claim 53, it is rejected for similar reasons as stated in claim 2.

43. As per claim 56, it is rejected for similar reason as stated in claim 2.

44. Claims 14, 15, 31, 32, 43-45 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser et al. (US Patent No 5793980), in view of Metz et al. (US Patent No 5978855), and further in view of Epstein et al. (US Patent No 6327343).

45. As per claim 14, Glaser and Metz do not disclose the limitation of the claim. Epstein discloses the variable is a Multilanguage variable and wherein resolving the variable includes selecting audio data segments to be played based on a language specified by the variable (e.g. col 5, line 24-28 and col 10, line 51-60). At the time the invention was made, it would have

been obvious to a person skill in the art to combine Glaser, Metz and Epstein because it would eliminate language barrier for users, which helps to increase the value of the system.

46. As per claim 15, it is rejected for similar reasons as stated in claim 14.

47. As per claim 31, it is rejected for similar reasons as stated in claim 20.

48. As per claim 32, it is rejected for similar reason as stated in claim 28.

49. As per claims 43-45, they are rejected for similar reasons as stated in claims 12, 15 and 17 respectively.

50. As per claim 61, Glaser and Metz do not disclose the limitation of the claim. Epstein discloses at least one digital signal processing (DSP) card for converting the sequence of audio data segments extracted from the audio server database into a format for playing to an end user (e.g. Figure 2, item 36 and col 6, line 25-29). At the time the invention was made, it would have been obvious to a person skill in the art to combine Glaser, Metz and Epstein because it would increase the processing power and also portability for the system.

51. Claims 20, 23-25, 33-35, 38, 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al. (US Patent No 6327343), in view of Glaser et al. (US Patent No 5793980).

52. As per claim 20, Epstein discloses an audio server comprising computer-executable instructions embodied in a computer-readable medium for performing steps comprising:

the request including an initial prompt parameter for specifying an initial audio prompt to be played to a user (e.g. col 7, line 39-49), and at least one reprompt parameter for specifying a reprompt to be played to a user (e.g. col 13, line 13-25);

playing the initial prompt to the user (e.g. col 7, line 46-49);

monitoring digits or speech from a user (e.g. col 9, line 33-46);

in response to failing to receive speech or digits from a user, playing the reprompt to the user (e.g. col 10, line 1-8).

Epstein does not disclose the other limitation of the claim.

Glaser discloses the step of receiving a request to collect digits or speech entered by a user in a telecommunication network (e.g. col 16, line 40-60).

At the time the invention was made, it would have been obvious to a person skill in the art to combine Glaser and Epstein because it would allow data to maintain its integrity in a communication network.

53. As per claim 23, it is rejected for similar reasons as stated in claim 20. Furthermore, Epstein discloses a no digits reprompt for specifying a no digits reprompt to be played to a user (i.e. speech) (e.g. col 10, line 6-7).

54. As per claim 24, it is rejected for similar reasons as stated in claim 20. Furthermore, Epstein discloses a request includes receiving a play collect event (i.e. voicemail, email, fax) (e.g. Abstract).

55. As per claim 25, Epstein teaches an audio server comprising computer-executable instructions embodied in a computer-readable medium for performing steps, comprising:

receiving a request for collecting dual-tone multifrequency (DTMF) digits from a user (e.g. col 11, line 62-67), the request including a regular expression specifying a predetermined pattern of digits to be identified from a user (e.g. col 9, line 13-24);

comparing the digits received from a user to the regular expression (e.g. col 7, line 14-27).

Epstein does not disclose the step of monitoring digits received from a user.

Glaser discloses the above limitation (e.g. col 3, line 1-6).

At the time the invention was made, it would have been obvious to a person skill in the art to combine Glaser and Epstein because it would allow data to maintain its integrity in a communication network.

56. As per claim 33, it is rejected for similar reasons as stated in claims 1, 20. Furthermore, Glaser shows the function key or navigation key parameter for allowing a user to playing of audio (e.g. Figure 8A, items 810-890).

57. As per claim 34, Glaser shows a position key parameter identifying a position key for allowing a user to specify a predetermined segment in a sequence of audio being played to a user, wherein the audio server plays the specified segment in response to receiving the position key from a user (e.g. Figure 8A, item 890).

58. As per claim 35, Glaser shows a restart key parameter identifying a restart key for allowing a user to restart entry of digits or speech (i.e. rewind) (e.g. Figure 8A, item 860), wherein when the audio server receives the restart key from a user, the audio server discards any audio or digits received from a user prior to receipt of the restart key (e.g. col 10, line 40-48).

59. As per claim 38, it is rejected for similar reason as stated in claim 4.

60. As per claims 46-48, they are rejected for similar reasons as stated in claims 25-27 respectively.

61. As per claims 49-51, they are rejected for similar reasons as stated in claims 33-35 respectively.

62. Claims 21, 22, 26, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al. (US Patent No 6327343), in view of Glaser et al. (US Patent No 5793980), and further in view of Barany et al. (US Patent No 6434140).

63. As per claims 21 and 22, they are rejected for similar reasons as stated in claims 2 and 3 respectively.

64. As per claim 26, Epstein discloses determining that digits received from the user match the regular expression (e.g. Figure 3A, items 160, 170 and 158). Epstein and Glaser do not disclose other limitation of the claim. Barany discloses sending the digits to a media gateway control protocol (MGCP) call agent (e.g. Figure 4, items 411 and 414). At the time the invention was made, it would have been obvious to a person skill in the art to combine Glaser, Epstein and Barany because it would allow other types of traffic to communicate between server and client to fully utilize bandwidth and eliminate other limitations.

65. As per claim 27, Epstein discloses determining that digits received from the user do not match the regular expression (e.g. Figure 3A, items 160, 170 and 180). Epstein and Glaser do not disclose other limitation of the claim. Barany discloses notifying a media gateway control protocol (MGCP) call agent (e.g. col 4, line 44-45 and line 62-64). At the time the invention was made, it would have been obvious to a person skill in the art to combine Glaser, Epstein and

Barany because it would allow other types of traffic to communicate between server and client to fully utilize bandwidth and eliminate other limitations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen
DN
11/04/02

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